

MONROE COUNTY BOARD OF COMMISSIONERS

Date to be heard: 1/15/2020

Item for Formal Meeting? ☒

(Ex: Routine items, continuing grants)

OR

Item for Work Session / Discussion ☐

(Ex: Public interest items, Ordinance changes, new grants and grants that add personnel)

Title of item to appear on the agenda:

Include VENDOR's Name in title if appropriate

Amendments to the Monroe County Zoning Ordinance. Chapter 804 - Height, Bulk, Area, and Density Provisions.

All Grants must complete the following

Is this a grant request? Yes ☐

New Grant to the County? Yes ☐

Grant Type:

Reimbursement/Drawdown ☐

Up Front Payment ☐

County IS Pass Through ☐

Federal Agency:

Federal Program:

CFDA #

Federal Award Number and Year:

Or other identifying number

Pass Through Entity

Amount Received

Federal:

State:

Local Match:

Total Received:

Contracts/Agreements/MOU- Interlocal/Ordinance/Resolution/Grant item:

Fund Name:

Fund Number:

Amount:

Executive Summary:

This request is to amend the Low Density Residential (LR), Medium Density Residential (MR) and High Density Residential (HR) zoning districts to allow for a 0' foot side setback on one lot line if designated on a subdivision plat. The text amendment would make a change to the 'Height, Bulk, Area, and Density Requirements for Zoning Districts' to show an alternative side setback to what is currently allowed if a parcel goes through the subdivision process. Currently those 3 districts have a side yard setback of 10' feet for the LR and 5' feet for the MR and HR. The 0' side setback would not be able to be utilized by all properties in the zoning district; there would need to be approval of the proposed design by the Monroe County Plan Commission by way of a platted subdivision in order to utilize this text amendment as proposed. The lot sizes of those districts would remain unchanged - LR requires 0.34 acres, MR requires 0.21 acres, and HR requires 0.14 acres.

Person Presenting: Larry Wilson

Department: Planning

County Legal Review required prior to submission of this form for all contracts

Attorney who reviewed: David Schilling

Submitted by: Jackie Nester Jelen

Date: 1/6/2019

Each agenda request and all necessary documents to the Auditor's Office (Anita Freeman) at: afreeman@co.monroe.in.us AND to the Commissioner's

Office e-mail: Commissionersoffice@co.monroe.in.us

MONROE COUNTY COMMISSIONERS

ORDINANCE NUMBER 2019-48

PETITIONER Monroe County Plan Commission

REQUEST Amendments to the Monroe County Zoning Ordinance:
Chapter 804 – Height, Bulk, Area, and Density Provisions

EXHIBITS

1. Proposed Ordinance Text for Amendment.

BACKGROUND

The Monroe County Plan Commission is requesting to amend Chapter 804 of the Monroe County Zoning Ordinance related to the side setback requirements in the Low Density Residential (LR), Medium Density Residential (MR) and High Density Residential (HR) zoning districts to allow for a 0' foot side setback on one lot line if designated on a subdivision plat.

The proposed changes are shown in yellow:

Table 4-1

Height, Bulk, Area, and Density Requirements for Zoning Districts

Requirement	AG	FR	CR	ER	SR	LR	MR	HR	UR	LB	GB	PB	LI	HI	IP	ME	REC
Gross Density	0.40 (J)	0.20	0.40	1.00	1.00	3.00	4.80	7.30	7.30	---	---	---	---	---	---	---	---
Minimum Lot Area (acres)	2.5 (I)	5.0 (I)	2.5 (E)(I)	1.0	1.0 (F)	0.34	0.21	0.14	0.14	---	---	---	---	---	---	---	---
Minimum Lot Width at Building Line	200	200	200	100	50	75	60	50	50	50	50	50	60	100	100	200	200
Minimum Required Setbacks (feet)																	
Yard Fronting on any Street																	
Local	25 (H)	25 (H)	25 (H)	25	25	25	25	25	25	25	25	25	35	35	35	35	25
Minor Collector	35 (H)	35 (H)	35 (H)	35	35	35	35	35	35	25	25	25	35	35	35	35	25
Major Collector	35 (H)	35 (H)	35 (H)	35	35	35	35	35	35	35	35	35	35	35	35	35	35
Minor Arterial	50 (H)	50 (H)	50 (H)	50	50	50	50	50	50	50	50	50	50	50	50	50	50
Principal Arterial	60 (H)	60 (H)	60 (H)	50	50	50	50	50	50	50	50	50	50	50	50	50	50
Side Yards	50 (A)	50 (A)	15	15	5	10	5 (K)	5 (K)	10 (K)	6	6	6	3	3	3	50	50
Rear Yard	50 (B)	50 (B)	35	35	10	25	10	10	10	0	0	0	10 (D)	10 (D)	10 (D)	50	50
Maximum Lot Coverage (AG/RR, CR, FR-Sq. Ft.) Minimum Open Space Area (All Other Zones - percent)	15,000 Square Feet (G)	15,000 Square Feet (G)	15,000 Square Feet (G)	40	40	40	40	40	40	15	20	15	20	20	20	---	20
Maximum Height (feet)	40 Principal Use Structures 30 Accessory Use Structures	40 Principal Use Structures 30 Accessory Use Structures	40 Principal Use Structures 30 Accessory Use Structures	35	35	35	35	35	45	35	45	35	50	60	35	---	45
Maximum Floor Area Ratio	---	---	---	---	---	---	---	---	---	0.25	0.30	0.25	0.4	0.4	0.4	---	0.30

- (A) 15 foot setback for residential structures and residential accessory structures.
- (B) 35 foot setback for residential structures and residential accessory structures.
- (C) 75 percent does not apply to agricultural uses.
- (D) No setback required when adjoining a rail spur.
- (E) Refer to the Environmental Constraints/Lake Watershed Overlay Zone Chapter for further information. Area 1 requires a five (5) acre minimum lot size and Area 4 allows a density of up to three (3) units per acre.
- (F) If all other development standards are met, no variance is required for a lot of record with an area less than one (1) acre.
- (G) Excluding agricultural buildings, buildings and structures that contain less than 120 square feet of floor area and that are not built on permanent foundations.
- (H) Measured from Right of Way Line of a Public Road in the Current Thoroughfare Plan, or 50' if no direct frontage on a road
- (I) All lots created after October 2, 2015 shall include a minimum of 1 acre of buildable area.
- (J) Maximum gross density for residential subdivision in AG/RR with the BI Overlay is 0.20 dwelling units/acre.
- (K) 0 foot side setback on one lot line if designated on a subdivision plat.

Setbacks are measured from the road right-of-way line, not the centerline of the road

ORDINANCE NUMBER 2019-48

The purpose of this ordinance is to amend the Monroe County Zoning Ordinance by the addition and amendment of the development standards in Chapter 804.

WHEREAS, Indiana Code 36-7-4-601 authorizes the Board of Commissioners of the County of Monroe, Indiana (Board of Commissioners), to adopt planning and zoning ordinances and amendments, including maps, for the following purposes: securing adequate light, air, convenience of access, and safety from fire, flood, and other danger; lessening or avoiding congestion in public ways; promoting the public health, safety, comfort, convenience, and general welfare; and otherwise accomplishing the purposes of Indiana Code Chapter 36-7-4;

WHEREAS, the Board of Commissioners adopted a comprehensive replacement Monroe County Zoning Ordinance on December 20, 1996 through the passage of Ordinance 96-36 and have subsequently amended that zoning ordinance ("Zoning Ordinance");

WHEREAS, Indiana Code 36-7-4-602 authorizes local plan commissions to prepare, conduct public hearings on, approve and certify planning and zoning ordinances, and amendments thereto, for consideration by the local board of commissioners;

WHEREAS, the Monroe County Plan Commission (Plan Commission) prepared amendments to Chapter 804 of the Zoning Ordinance, which it deemed necessary and advisable to promote the public health, safety, and welfare within the County Jurisdictional Area;

WHEREAS, the Plan Commission advertised for and conducted a public hearing on the proposed amendments;

WHEREAS, following the public hearing, the Plan Commission voted to forward the amendments to the Board of Commissioners with a positive recommendation;

WHEREAS, the Plan Commission certified the amendments and its recommendation to the Board of Commissioners for consideration pursuant to Indiana Code Sections 36-7-4-602 through 605;

WHEREAS, in accordance with Indiana 5-14-1.5-5, the Board of Commissioners provided public notice of its intention to consider the amendments in ordinance form during its January 8th, 2020 meeting, and accepted public comment on the proposed amendments during its January 8th, 2020 meeting;

WHEREAS, based on public comment received by the Plan Commission and the Board of Commissioners on this ordinance, the Board of Commissioners finds that the proposed

amendments, if adopted, would reasonably and efficiently advance the statutorily recognized zoning ordinance purposes, which include, among other purposes, the promotion of the health, safety, convenience, order, and general welfare of the citizens of Monroe County, Indiana, would provide reasonable design standards within the County Jurisdictional Area; and that the proposed amendments should be adopted;

WHEREAS, the Board of Commissioners finds and confirms that in the preparation and/or consideration of the proposed amendments, both the Board of Commissioners and the Plan Commission gave reasonable regard to: the Comprehensive Land Use Plan of Monroe County, Indiana; current conditions and the character of current structures and uses in each district; the most desirable use for which the land in each district is adapted; the conservation of property values throughout the jurisdiction; and responsible development and growth;

NOW, THEREFORE, be it resolved by the Board of Commissioners as follows:

Section 1. Monroe County Zoning Ordinance Chapter 804 shall be, and hereby is, amended by the addition of the following amendments:

CHAPTER 804

ZONING ORDINANCE: HEIGHT, BULK, AREA, AND DENSITY PROVISIONS

Table 4-1

Table 4-1 Height, Bulk, Area, and Density Requirements for Zoning Districts																	
Requirement	AG	FR	CR	ER	SR	LR	MR	HR	UR	LB	GB	PB	LI	HI	IP	ME	REC
Gross Density	0.40 (J)	0.20	0.40	1.00	1.00	3.00	4.80	7.30	7.30	--	--	--	--	--	--	--	--
Minimum Lot Area (acres)	2.5 (I)	5.0 (I)	2.5 (EX)	1.0	1.0 (F)	3.34	0.21	0.14	0.14	--	--	--	--	--	--	--	--
Minimum Lot Width at Building Line	200	200	200	100	50	75	60	50	50	50	50	50	60	100	100	200	200
Minimum Required Setbacks (feet)																	
Yard Fronting on any Street																	
Local	25 (H)	25 (H)	25 (H)	25	25	25	25	25	25	25	25	25	35	35	35	35	25
Minor Collector	35 (H)	35 (H)	35 (H)	35	35	35	35	35	35	25	25	25	35	35	35	35	25
Major Collector	35 (H)	35 (H)	35 (H)	35	35	35	35	35	35	35	35	35	35	35	35	35	35
Minor Arterial	50 (H)	50 (H)	50 (H)	50	50	50	50	50	50	50	50	50	50	50	50	50	50
Principal Arterial	60 (H)	60 (H)	60 (H)	50	50	50	50	50	50	50	50	50	50	50	50	50	50
Side Yards	50 (A)	50 (A)	15	15	5	10	5 (K)	5 (K)	10 (K)	6	6	6	3	3	3	50	50
Rear Yard	50 (B)	50 (B)	35	35	10	25	10	10	10	0	0	0	10 (D)	10 (D)	20	--	20
Maximum Lot Coverage (AGRR, CR, FR- Sq. Ft.) Minimum Open Space Area (All Other Zones - percent)	15,000 Square Feet (G)	15,000 Square Feet (G)	15,000 Square Feet (G)	40	40	40	40	40	40	15	20	15	20	20	20	--	20
Maximum Height (feet)	40 Principal Use Structures 30 Accessory Use Structures	40 Principal Use Structures 30 Accessory Use Structures	40 Principal Use Structures 30 Accessory Use Structures	35	35	35	35	35	45	35	45	35	50	60	35	--	45
Maximum Floor Area Ratio	---	---	---	---	---	---	---	---	---	0.25	0.30	0.25	0.4	0.4	0.4	---	0.30

- (A) 15 foot setback for residential structures and residential accessory structures.
- (B) 35 foot setback for residential structures and residential accessory structures.
- (C) 75 percent does not apply to agricultural uses.
- (D) No setback required when adjoining a rail spur.
- (E) Refer to the Environmental Constraints/Lake Watershed Overlay Zone Chapter for further information.
Area 1 requires a five (5) acre minimum lot size and Area 4 allows a density of up to three (3) units per acre.
- (F) If all other development standards are met, no variance is required for a lot of record with an area less than one (1) acre.
- (G) Excluding agricultural buildings, buildings and structures that contain less than 120 square feet of floor area and that are not built on permanent foundations.
- (H) Measured from Right of Way Line of a Public Road in the Current Thoroughfare Plan, or 50' if no direct frontage on a road
- (I) All lots created after October 2, 2015 shall include a minimum of 1 acre of buildable area.
- (J) Maximum gross density for residential subdivision in AG/RR with the BI Overlay is 0.20 dwelling units/acre.
- (K) 0 foot side setback on one lot line if designated on a subdivision plat.

****Setbacks are measured from the road right-of-way line, not the centerline of the road****

....


OFFICE OF
MONROE COUNTY PLAN COMMISSION
501 N Morton Street, Suite 224
BLOOMINGTON, IN 47404

TO: THE COMMISSIONERS OF MONROE COUNTY, INDIANA

CERTIFICATION

I, Larry Wilson, hereby certify that during its meeting on November 19th, 2019 the Monroe County Plan Commission considered petition # 1909-ZOA-01 for an amendment (Ordinance # 2019-48) to the Monroe County Zoning Ordinance and made a positive recommendation to approve thereon, based on the findings, highway and drainage engineers' reports, with a vote of 5-2.

This proposed amendment is being forwarded for your consideration pursuant to I.C. 36-7-4-605(a).



Larry Wilson
Planning Director

November 26, 2019
Date

Section 2. The terms and provisions of this ordinance are separable. If any part or provision of this ordinance or the application thereof to any persons or circumstances is adjudged invalid by a court of competent jurisdiction on procedural grounds, or on any other grounds, such judgment shall be confined in its operation to the part, provision, procedure or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this ordinance or the applications thereof to other persons or circumstances. The Board of Commissioners hereby declares that it would have enacted the remainder of this ordinance even without any such part, provision, procedure or application.

SO APPROVED AND ADOPTED by the Board of Commissioners of the County of Monroe,

Indiana, this 15th day of January, 2020.

BOARD OF COMMISSIONERS

AYES

NAYS



JULIE THOMAS

JULIE THOMAS



LEE JONES

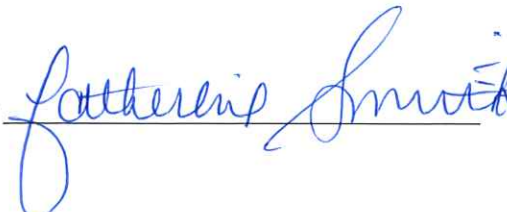
LEE JONES



PENNY GITHENS

PENNY GITHENS

ATTEST: CATHERINE SMITH, Auditor



CATHERINE SMITH